

FIRST REGULAR SESSION

SENATE BILL NO. 537

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time March 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1528S.011

AN ACT

To repeal sections 534.380 and 535.110, RSMo, and to enact in lieu thereof two new sections relating to the posting of cash bonds to stay execution in certain landlord tenant proceedings.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 534.380 and 535.110, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 534.380 and 535.110, to read as follows:

534.380. Applications for trials de novo and appeals shall be allowed and conducted in the manner provided in chapter 512, RSMo. Application for a trial de novo or appeal shall not stay execution for restitution of the premises unless the defendant gives a **cash** bond within the time for appeal. The **cash** bond shall be for the amount of the judgment, **and any estimated accruing rent during the appeal**, and with the condition to stay waste [and to pay all subsequently accruing rent, if any], into court within ten days after it becomes due, pending determination of the trial de novo or appeal, subject to the judge's discretion. **The cash bond may be remitted to the court in the form of cash, money order, or certified check.** However, in any case in which the defendant receives a reduction in rent due to a local, state or federal subsidy program, the amount of the bond shall be reduced by the amount of said subsidy. Execution other than for restitution shall be stayed if the defendant files a **cash** bond in the proper amount at such time as otherwise provided by law.

535.110. Applications for trials de novo and appeals shall be allowed and conducted in the manner provided in chapter 512, RSMo; but no application for a trial de novo or appeal shall stay execution unless the defendant give a **cash** bond, [with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any] **in an amount equal to the judgement plus any estimated lost rents incurred during the appeal**, into court within ten days

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

after it becomes due, pending determination of the trial de novo or appeal. **The cash bond may be remitted to the court in the form of cash, money order, or certified check.**

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